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ATTORNEYS FOR DEFENDANTS  
PARK COUNTY, WYOMING; BOARD OF  
COUNTY COMMISSIONERS OF PARK COUNTY,  
WYOMING; DOSSIE OVERFIELD, LLOYD THIEL,  
LEE LIVINGSTON, SCOTT MANGOLD,  
and SCOTT STEWARD, in their official capacity  
as Members of the Board of County  
Commissioners for Park County, Wyoming.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

HORIZON TOWER LIMITED, LLC and  
HORIZON TOWER, LLC,  
Plaintiffs

v.

PARK COUNTY, WYOMING; BOARD OF  
COUNTY COMMISSIONERS OF PARK  
COUNTY, WYOMING; DOSSIE  
OVERFIELD, LLOYD THIEL, LEE  
LIVINGSTON, SCOTT MANGOLD, and  
SCOTT STEWARD, in their official capacity  
as Members of the Board of County  
Commissioners for Park County, Wyoming,  
Defendants

Civil Action No. 23-CV-00037-ABJ

DEFENDANTS' MOTION  
FOR LEAVE OF COURT TO  
FILE RENEWED MOTION  
FOR SUMMARY JUDGMENT

COME NOW, the Defendants, Park County, Wyoming; Board of County  
Commissioners of Park County, Wyoming; Dossie Overfield, Lloyd Thiel, Lee  
Livingston, Scott Mangold, and Scott Steward, in their official capacity as Members  
of the Board of County Commissioners for Park County, Wyoming ("the BOCC," "Park

County,” “the Defendants”) and hereby submit their Motion for Leave of Court to allow Defendants to renew their Motion and Brief in support of Summary Judgment on the following grounds and reasons:

On June 28, 2024, the Supreme Court of the United States overruled the prevailing doctrine known as the Chevron Deference Doctrine.<sup>1</sup> As the Court is aware, the FCC’s 2018 Declaratory Order<sup>2</sup> (the FCC’s interpretation of the TCA (47 U.S.C.A. §332(c)(7)) plays a substantial role in attempting to construe the complicated legal issues this matter presents.

The Defendants have been in communication with the Plaintiffs, who disagree that the new ruling affects this action.

In light of this significant change in the law, the Defendants respectfully request the Court allow the parties to revise and renew their briefs in support of their Motions for Summary Judgement consistent with the current law.

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<sup>1</sup> *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837, 104 S. Ct. 2778, 81 L. Ed. 2d 694 (1984), *overruled by Loper Bright Enterprises v. Raimondo*, No. 22-1219, 2024 WL 3208360 (U.S. June 28, 2024)

<sup>2</sup> *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv.*, 33 F.C.C. Red. 9088 (2018).

Dated this 26th day of July 2024.

/s/ Bryan A. Skoric

Bryan A. Skoric (WSB #6-2834)  
Park County and Prosecuting Attorney

/s/ Jack R. Hatfield II

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LEE LIVINGSTON, SCOTT MANGOLD,  
and SCOTT STEWARD, in their official  
capacity as Members of the Board of County  
Commissioners for Park County, Wyoming.

#### CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of July, 2024, a copy of the foregoing Motion was served via CM/ECF upon the following counsel for the Plaintiff:

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/s/ Bryan A. Skoric

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